

REMARKS

This Amendment is in response to the Final Office Action dated April 30, 2008. Claim 43 remains pending in the present application. Claims 21-26, 28-32, 35-37, 39, and 41-45 are rejected. Claim 42 has been changed, and claims 21-26, 28-32, 35-37, 39, 41, and 43-45 have been cancelled by this amendment.

No new matter has been added, and the amendment only rewrites a dependent claim in independent form and cancels other claims. Therefore, no new issues requiring additional search and/or consideration are present.

Applicant held a telephone interview with the Examiner on June 5, 2008, the substance of which is provided by the Examiner and described below.

Applicant has amended claim 42 and cancelled claims 21-26, 28-32, 35-37, 39, 41, and 43-45 from further consideration in this application. Applicant is not conceding in this application that the cancelled claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter noted by the examiner. Applicant respectfully reserves the right to pursue the original and other claims in one or more continuations and/or divisional patent applications.

Reconsideration is respectfully requested in view of the remarks below.

§ 103 Rejections

The Examiner rejected claims 21-22, 28-29, and 35-36 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,526,575 to McCoy et al. ("McCoy") in view of U.S. Patent No. 5,099,319 to Esch et al. ("Esch") and U.S. Patent App. Publication 2002/0166120 to Boylan III et al. ("Boylan").

The Examiner also rejected claims 23-24, 30-31, and 37 under 35 U.S.C. § 103(a) as being unpatentable over McCoy, Esch, Boylan, and further in view of U.S. Patent Pub. No. 2008/0059997 (“Plotnick”).

The Examiner also rejected claims 25 and 32 under 35 U.S.C. § 103(a) as being unpatentable over McCoy, Esch, Boylan, and further in view of U.S. Patent No. 5,920,700 (“Gordon”).

The Examiner also rejected claim 26 under 35 U.S.C. § 103(a) as being unpatentable over McCoy, Esch, Boylan, Gordon, and further in view of U.S. Patent No. 6,253,079 (“Valentine”).

The Examiner also rejected claim 39 under 35 U.S.C. § 103(a) as being unpatentable over McCoy, Esch, Boylan, Plotnick, and further in view of U.S. Patent No. 5,913,039 (“Nakamura”).

The Examiner also rejected claims 41-45 under 35 U.S.C. § 103(a) as being unpatentable over McCoy, Esch, Boylan, and further in view of Nakamura.

To expedite prosecution, Applicant has amended claim 42 to include the subject matter of parent claim 21 and cancelled the other claims.

Claim 42 recites a playtime lookahead window parameter that sets a time period requirement before the scheduled payout of a local spot at which time each of the remote site servers checks to report to the central server a spot missing at the remote site server.

None of the cited references disclose or suggest the recited features including using a parameter to set a time to check before a scheduled payout, where remote server sites check for a local spot to be missing and report such to the central server site. For example, the Examiner states that Nakamura discloses video reproduction that is not delayed due to the time needed for locating the start of each data stream of the title of the transmission. However, nowhere does Nakamura disclose setting a time period requirement before the scheduled payout of a local spot

at which time each of the remote site servers checks to report to the central server a spot missing at the remote site server.

Applicant therefore believes that claim 42 is patentable over McCoy in view of Esch, Boylan, Plotnick, Gordon and Nakamura, and respectfully requests that the rejections under 35 U.S.C. 103(a) be withdrawn.

In view of the foregoing, Applicant submits that claim 42 is patentable over the cited references, and respectfully requests reconsideration and allowance of the claims as now presented.

Should any unresolved issues remain, the Examiner is invited to call the undersigned at the telephone number indicated below.

Respectfully submitted,
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Date

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